

BOOKMAKERS (TAXATION) AMENDMENT BILL 1991

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

Currently, a bookmaker who wishes to operate at a race meeting in New South Wales is required:

- (a) to register as a bookmaker with the appropriate registration authority (i.e. a racing association or similar body) for the relevant racing code (galloping, harness racing or greyhound racing); and
- (b) to pay a bookmakers registration tax imposed by either the Racing Taxation Act 1937 (for galloping or harness racing) or the Finance (Greyhound-racing Taxation) Act 1931 (for greyhound racing) or bosh.

A bookmaker may be required to pay several taxes under these Acts depending on the location of the race meeting and the racing code. The bookmaker is issued with a bookmakers tax receipt on payment of each of these taxes. The taxes are required to be paid for each year the bookmaker carries on business as a registered bookmaker.

The Bookmakers (Taxation) Act 1917 established the Bookmakers Revision Committee. The Committee has power to direct a registration authority to cancel or suspend the registration of a bookmaker if satisfied the bookmaker has been convicted of an offence under that Act or has failed to pay certain taxes relating to his or her business as a registered bookmaker.

The object of this Bill is to amend the Bookmakers (Taxation) Act 1917 so as:

- (a) to simplify the existing system of various annual bookmakers taxes by introducing one bookmakers registration tax (\$100) which will enable a registered bookmaker to field at my race meeting in the State; and
- (b) to make it clear that the Bookmakers Revision Committee has the power to direct the cancellation or suspension of a bookmaker's registration for failure to pay certain taxes by the date due even though the amount owing was subsequently paid.

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The Bill repeals the following Acts consequentially:

- Finance (Greyhound-racing Taxation) Act 1931
- Finance (Greyhound-racing Taxation) Management Act 1931
- Racing Taxation Act 1937

The Bill amends the Racing Taxation (Betting Tax) Act 1952 consequentially.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 January 1992.

Clause 3 gives effect to Schedule 1 which contains amendments to the Bookmakers (Taxation) Act 1917.

Clause 4 gives effect to Schedule 2 which contains consequential amendments to the Racing Taxation (Betting Tax) Act 1952.

Clause 5 repeals the Acts listed in Schedule 3.

Clause 6 gives effect to Schedule 4 which contains savings and transitional provisions consequent on the enactment of the proposed Act.

SCHEDULE 1—AMENDMENT OF BOOKMAKERS (TAXATION) ACT 1917

Definitions

Definitions are updated by Schedule 1 (1), (4) and (8) as a result of the imposition of one bookmakers registration tax and of changes to the names of various racing associations. References to “meeting for pony racing” have been removed as these meetings are no longer conducted.

Bookmakers registration tax

Schedule 1 (11) repeals sections 20–22 and inserts new sections 20 and 21. The effect of the new sections is that a person must be registered (with the appropriate registration authority for the relevant racing code) before carrying on business as a bookmaker on a racecourse. Such a person must pay a registration tax (\$100) before carrying on business in that capacity. The tax is also payable each time a person commences to carry on business as a registered bookmaker after ceasing to be a registered bookmaker.

Provision is also made for payment of the tax by registered bookmakers who hold current bookmaker tax receipts as follows:

- (a) a holder of a current bookmakers tax receipt for galloping and harness racing is required to pay the tax by 31 January 1992 (1 month after the date this category of bookmakers tax receipt expires);
- (b) a holder of a current bookmakers tax receipt for greyhound racing is required to pay the tax by 30 September 1992 (the date this category of bookmakers tax receipt expires).

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Power of Bookmakers Revision Committee to direct cancellation or suspension of bookmaker's registration

Schedule 1 (19) (e) amends section 36A for the purpose referred to above in relation to the powers of the Committee.

Amendments relating to collection of tax imposed by the Racing Taxation (Betting Tax) Act 1952

Schedule 1 (2), (3), (5)—(7) and (9) amend the Act by way of statute law revision. As a result of the amendments, Part 3 of the Act:

- (a) will no longer be expressed to apply to taxes under the Finance (Bookmakers' Taxation) Act 1932 (a repealed Act); and
- (b) will express instead the substance of Part 4B of the Act, which at present operates referentially.

Consequential amendments

The remaining items in Schedule 1 make minor consequential amendments.

SCHEDULE 2—AMENDMENT OF RACING TAXATION (BETTING TAX ACT 1952)

The amendments made by this Schedule are consequential on the amendment of Parts 3 and 4B of the Bookmakers (Taxation) Act 1917.

SCHEDULE 3—REPEALS

This Schedule lists Acts to be repealed as a result of the enactment of the proposed Act.

SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS

Clause 1 ensures that any liability incurred by a bookmaker under the Acts repealed by Schedule 3 prior to the commencement of the proposed Act continues after their repeal.

Clause 2 makes it clear that the amendment made by Schedule 1 (19) (e) applies to a decision of the Bookmakers Revision Committee made before as well as after the commencement of the proposed Act.

Clause 3 allows savings and transitional regulations to be made consequent on the enactment of the proposed
